

NEHALEM BAY WASTEWATER AGENCY
ORDINANCE 2002-1
JUNE 2002

ORDINANCE

2002-1

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ORDINANCE NO. 2002-1

AN ORDINANCE ESTABLISHING REGULATIONS AND POLICIES FOR THE DISPOSAL OF SEWAGE AND STANDARDS FOR THE CONSTRUCTION OF SANITARY AND STRUCTURE SEWERS, & REPEALING PRIOR ORDINANCES, 97-1

THE NEHALEM BAY WASTEWATER AGENCY ORDAINS AS FOLLOWS:

SECTION 1 - DECLARATION OF POLICY

1-01 It is the policy of the NEHALEM BAY WASTEWATER AGENCY (Agency) to plan and provide sewage disposal service within its boundaries. It is also the policy of the Agency to provide and offer sewage disposal services for such other areas may, as allowed by law and in the judgement of the Board of Directors, be feasibly served upon terms and conditions determined by the Agency and the area to be served.

1-02 Service provided outside the boundaries of the Agency, and future annexations to the area of the Agency, shall conform to state and federal laws and regulation.

1-03 The Regulations hereinafter set forth shall be applicable to the disposal of sewage into the Agency sewerage system whether delivered from within or from without the boundaries of the Agency, and the construction, maintenance and operation of facilities owned, operated, or managed by the Agency.

1-04 Agents of the Agency shall have the right to enter upon private property at all reasonable hours for the purpose of inspecting, approving, constructing or shutting off sewerage facilities and connections.

SECTION 2 - DEFINITIONS

The following words and phrases used in this Ordinance whether appearing in capital or lower case form, shall have the meanings set forth in this section.

2-01

ADMINISTRATIVE AUTHORITY: Where this term is used in the "Uniform Plumbing Code" it shall mean the "Agency".

ADULT FOSTER HOME: As defined by OAR 411-5-400 (2); a State-certified dwelling operated in a family-type setting for senior citizens and/or disabled persons over the age of 18 who are in need of help in the provision of shelter, food, medical care and/or other service.

AGENCY INSPECTOR: Shall be the Agency Manager or Designee.

AGENCY SEWERAGE SYSTEM: All or any part of the facilities for collecting, pumping or treating and disposing of sewage as acquired, constructed or used by the Agency as a part of the master plan or additions thereto.

APWA SPECIFICATIONS: Specifications issued by the American Public Works Association, Oregon Chapter, 1990 edition.

ASTM SPECIFICATIONS: The standard Specifications or Methods of the American Society for Testing and Materials of the serial designation indicated by the number, and unless otherwise stated, referring to the latest adopted revision of such specification or method.

AUTHORITY: The NEHALEM BAY WASTEWATER AGENCY, a municipal corporation, acting through its Board of Directors, or through any board, committee, body, official or person to whom they shall have lawfully delegated the power to act for or on behalf of the Agency. Unless a particular board, committee, body, official or person is designated in these regulations, action by the Agency shall mean by the Manager of the Agency or his daily authorized representative or agent.

BED AND BREAKFAST ENTERPRISE, BOARDING, LODGING OR ROOMING HOUSE: A residential structure where not more than 15 persons, not including members of the family occupying such a structure, provide compensation for lodging.

BIOCHEMICAL OXYGEN DEMAND (BOD): The quantity of oxygen utilized in the biochemical oxidation of organic matter under a standard laboratory procedure in five days at a temperature of 20 degrees Centigrade, expressed in milligrams per liter, or parts per million by weight. Laboratory determinations shall be made in accordance with procedures set forth in Standard Methods, the most recent edition.

BOARD OF DIRECTORS OR BOARD: The Board of Directors of the Nehalem Bay Wastewater Agency.

BOARDING, LODGING, OR ROOMING HOUSE: See BED AND BREAKFAST ENTERPRISE, BOARDING, LODGING, OR ROOMING HOUSE.

BRANCH SEWER: A sewer that receives wastewater from a relatively small area and discharges into a main sewer serving more than one branch-sewer area.

CAMPER: See RECREATION VEHICLE

CAMPGROUND: A designated place where campsites are located for occupancy by camping units on a temporary basis for recreation, education or vacation purposes. A campground may have sewer hookups and other facilities associated with its operation such as rest rooms, showers, laundries, etc.

CAMPING UNIT: Any tent or recreational vehicle located in a campground as temporary living quarters for recreational, education or vacation purposes.

CAMPSITE: Any plot of ground within a campground intended for the exclusive occupancy by a camping unit or units.

COMBINED SEWER OR SYSTEM: A conduit or system of conduits in which both sewage-and storm water are transported.

COMMERCIAL STRUCTURE: Any permanent structure used for any purpose other than a dwelling unit or a use defined in Industrial User.

CONSTRUCTION: Anyone or more of the following: Preliminary feasibility planning; engineering, architectural, legal, fiscal, or economic investigations or studies: surveys, designs, plans, working drawings, specifications, procedures, or other necessary actions: erection. Structure, acquisition, alteration, remodeling, improvement, or extension of treatment works; supervision of any of the foregoing items.

CONTAMINATION: A term signifying the introduction into water of micro-organisms, chemicals, wastes or sewage which render water injurious to human beings.

COOKING FACILITY: A facility that allows the inhabitant to prepare food including, but not limited to, hot plates, microwaves or indoor/outdoor appliances including barbecues, bento carts or any other method of preparing food.

COTTAGE INDUSTRY: A business or business-related activity that is carried on within either a dwelling or a building accessory to that dwelling, which employs no more than two non-family members, and which has limited impacts on the surrounding properties. Deliveries and customer visitations are limited to the hours between 8:00 a.m and 6:00 p.m. Outdoor storage is allowed if it is similar to what legally occurs in the neighborhood, and accessory structures conform to the character of the neighborhood.

DELI: A commercial food service operation serving cold cooked meats and other foods requiring little or no preparation.

DEQ: Oregon State Department of Environmental Quality.

DEVELOPER: The person or persons constructing or contracting for construction of a sewage system or extension thereof, whether or not the owner of the property.

DWELLING: A detached structure that meets the requirements of the Uniform Building Code for residential structures, and which is intended and/or used for residential purposes.

DWELLING UNIT: "Dwelling Unit" means one or more rooms occupied, designed or intended for occupancy as a separate living quarters, and containing three or more of the following:

- a. refrigeration
- b. cooking facility (including cooking stove, hot plate, range hood, microwave oven, or similar facility)
- c. dishwashing machine
- d. sink intended for meal preparation (not including a wet bar)
- e. garbage disposal
- f. toilet

EASEMENT: An acquired interest in or use of land owned by another; the legal right to make use of a parcel of land for the purpose of erecting a structure, or the passage of persons, things or utilities, or for the purpose of occupying the land for a particular purpose.

EFFICIENCY: The ratio of the actual performance of a device to the theoretically perfect performance (usually expressed as a percentage).

EFFLUENT: A liquid which flows out of a containing space; sewage water or other liquid, partially or completely treated or in its natural state, flowing out of a reservoir, basin or treatment facility or part thereof.

ENGINEER: The engineer appointed to supervise and direct the design and construction of local sewage facilities, acting personally, or through agents or assistants acting within the scope of the particular duties assigned to them.

EDU's: Equivalent Dwelling Unit/so One EDU is equal to the amount of BOD and waste flow that is expected from an average residence.

FOOD SERVICE OPERATION: Restaurants, delis, cafes, lunch counters, cafeterias, bars, clubs, hotels, hospitals, sanitariums, factories, school kitchens and other food service operations where fats, oils or grease may be introduced into the sanitary sewer system.

FORCE MAIN: A principal conduit through which sewage is pumped.

FOSTER FAMILY HOME: As defined by OAR 412-22-010 (4); any State-certified home maintained by a person who has under his or her care any child unattended by parents or a guardian for the purpose of providing such child with care, food, and lodging. Such homes include foster family, group, and shelter homes. (See Adult Foster Home)

GARBAGE: Solid waste from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

GREASE TRAP/INTERCEPTOR/SEPARATOR: A device to collect and separate normal sanitary wastes from liquid fat, oil, grease and/or sand.

GROUP COTTAGES: See MOTEL.

HOME OCCUPATION: A lawful occupation carried out by a resident of the property on which the activity is located, within the residence or other buildings.

HOUSE DRAIN: See "Structure Drain. "

HOUSE SEWER: A pipe conveying wastewater from a single Structure to a common sewer.

IAPMO: International Association of Plumbing and Mechanical Officials.

INDUSTRIAL USER: Any sewer user discharging an industrial waste as defined in Industrial Waste. An industry discharging more than 50,000 g.p.d. or one percent of the total flow, whichever is less, will constitute a major industrial user.

INDUSTRIAL WASTE: Any flow discharged into the sewerage facilities containing either: (1) a total of more than 200 pounds of suspended solids in anyone day or, (2) a total of more than 200 pounds of BOD in anyone day, or (3) other liquid wastes from industrial manufacturing processes, or businesses, as distinct from sanitary sewage.

INFILTRATION: (1) The flow or movement of water through the interstices or pores of a soil or other porous medium. (2) The quality of ground water which leaks into a sanitary sewer through defective joints. (3) The entrance of water from the ground into a sewer through breaks, defective pipe, or porous walls. (4) The absorption of liquid water by the soil either as it falls as precipitation or from a stream flowing over the surface.

INFLUENT: Sewage, water, or other liquid, raw or partly treated, flowing into a reservoir, basin or treatment facility or part thereof.

INTERCEPTOR: A sanitary sewer which receives the flow from a number of trunk, main or lateral sewers and transports it to a treatment plant or other point of disposal. Generally an interceptor collects the flow from a number of trunks, mains or laterals which would otherwise discharge to a natural outlet.

LATERAL: A sanitary sewer which will receive the flow from service connections and will discharge into a main, trunk or interceptor.

LIGHT INDUSTRY: A business having noise, dust, odor, light, traffic, and hazard impacts that are similar to those experienced in general business areas.

LOCAL GOVERNMENT AGENCY: Any legally constituted city, town county, special district or other public agency under whose jurisdiction local sewerage facilities may be constructed or operated.

LOT: An individual unit of land as shown on the maps of the Tillamook County assessor.

MAIN: A sanitary sewer which will receive the flow from one of more laterals and which will discharge into a trunk or interceptor.

MAINTAIN: To keep in a state of efficient operational ability.

MANAGER: The manager of the Nehalem Bay Wastewater Agency or a duly authorized representative or agent.

MANUFACTURED DWELLING: Includes:

Residential trailer: a structure, greater than 400 square feet, constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

Mobile home: A structure having at least 400 square feet of floor area and which is transportable in one or more sections. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

Manufactured home: A structure constructed for movement on the public highways, after June 15, 1976, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

MOBILE/MANUFACTURED HOME PARK: A place where either four or more mobile homes/manufactured homes or mobile homes/manufactured homes and recreational vehicles mixed, are located on one or more contiguous lots, tracts, or parcels of land under a single ownership, the purpose of which is to provide permanent residential spaces for charge or fee paid for the use of facilities, or to offer space.

MOBILE HOME SUBDIVISION: A subdivision designated by the County to permit the outright placement of mobile homes, and where the primary use of lots is for placement of mobile homes.

MASTER PLAN: The Master Sewage Collection and Treatment Plan adopted by Resolution of the Board of Directors, and all amendments thereto.

"MAY": Is permissive.

MOTEL: A building or group of buildings used for transient residential purposes that contains guest rooms or dwelling units, and which is designed, intended or used primarily for the accommodation of transient automobile travelers. MOTEL includes groups designated as auto cabins, motor courts, motor hotels and similar designations.

MOTOR HOME: See RECREATIONAL VEHICLE

MUNICIPALITY: Any county, city, special district or other governmental entity having authority to dispose of or treat or collect sewage, industrial wastes or other wastes, or any combination of two or more of the foregoing acting jointly.

NATURAL OUTLET: An outlet into a pond, lake, stream, river, ditch, watercourse or other body of surface water. **NOTICE:** Act of noting, to remark on, more serious than warning. **OIL TRAP:** See "Grease Trap, etc."

PARCEL: A unit of land that is created by a division of land.

PARTITION: Either an act of partitioning land, or an area or tract of land partitioned as defined in this section.

PERIODIC: Occasional, once-in-a-while.

PERSON: Any individual, company, limited liability company, partnership, corporation, trustee, association,

society, group or local government agency. The singular terms shall include the plural.

pH: The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution. pH shall be determined by one of the procedures outlined in Standard Methods.

PLAT: Includes a final map, diagram, drawing, re-plat or other writing containing all the descriptions, locations, specifications, deductions, provisions and information concerning a subdivision.

POLLUTION: The addition of sewage, industrial waste or other harmful or objectionable material to water tending to render it unfit for its intended use. .

POPULATION EQUIVALENT: (1) The calculated population which would normally contribute the same amount of biochemical oxygen demand (BOD) per day. (2) For an industrial waste, the estimated number of people contributing sewage equal in strength to a unit volume of the waste or to some other unit involved in producing or manufacturing a particular commodity.

PRESSURE SEWER: A sewer receiving flow directly from a pump station and discharging under pressure into an interceptor, trunk main, lateral, another pumping station or treatment plant.

PRIMITIVE CAMPGROUND: A designated place where campsites are located for occupancy by camping units on a temporary basis for recreation, education or vacation purposes. A primitive campground is predominantly an unattended facility which is established to accommodate recreational vehicles, tents, or bicycle uses.

PRIVATE SEWER: A sanitary sewer, exclusive of structure sewers, which is neither owned or operated by the Agency or a local government agency.

PRIVY: A structure with an excavation or vault, sealed and unsealed, that is used for the holding or disposal of human waste. Common name for privy is outhouse.

PROPERLY SHREDDED GARBAGE: The wastes from the preparation, cooking and dispensing of foods that have been shredded to such degree that all particles will be carried freely under the flow and conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

PUBLIC SEWER: A sewer which is accepted by the Agency and is controlled, owned and operated by the Agency. The sewer must be located in the Public Right-of-way or Agency easement.

RECREATIONAL VEHICLE: A portable temporary dwelling unit, with a gross floor area not exceeding 400 square feet in the set up mode, which is intended for vacation, emergency or recreational use, but not for permanent residential use, unless located in a recreational vehicle or mobile/manufactured dwelling park.

RECREATIONAL VEHICLE includes the following:

(a) CAMPER: A structure containing a floor that is designed to be temporarily mounted upon a motor vehicle, and which is designed to provide facilities for temporary human habitation.

(b) MOTOR HOME: A motor vehicle with a permanently attached camper, or that is originally designed, reconstructed or permanently altered to provide facilities for temporary human habitation.

(c) TRAVEL TRAILER: A trailer that is capable of being used for temporary human habitation, which is not more than eight feet wide, and except in the case of a tent trailer, has four permanent walls when it is in the usual travel position.

(d) SELF-CONTAINED RECREATIONAL VEHICLE: A vehicle that contains a factory-equipped, on-board system for the storage and disposal of gray water and sewage.

RECREATIONAL VEHICLE DUMP SITE: A place specifically designed and approved by the Agency for the disposal of waste water from holding tanks on recreational vehicles. An RV dump site can be setup for RV park users, camp ground visitors or open to the general public.

RECREATIONAL VEHICLE PARK: A place where four or more mobile homes and recreational vehicles and/or tents are located on one or more continuous lots, tracts or parcel of land under a single ownership for temporary recreational camping. A permanent house, mobile home, or recreational vehicle for the owner, operator, or manager of the campground may be located within the park. Recreational vehicles or mobile homes may be permanently located within the park to be rented for temporary recreational use. Accessory uses may also be located within the park could include recreation cabins, shower, laundry, a grocery, gas pump, and recreation facilities that are designated for the primary purpose of serving the occupants of the campground.

RESIDENTIAL CARE, TRAINING, OR TREATMENT FACILITY: As defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.

RESTAURANT: A commercial food service operation serving hot foods cooked in a centralized kitchen.

ROAD: A public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.

SALE OR SELL: Includes every transfer of an ownership interest in land. SAND TRAP: See "Grease Trap, etc."

SANITARY SEWER: A sewer which is designed or used to transport sewage, and to which storm water, surface and ground waters are not admitted intentionally.

SEPTIC SEWAGE: Sewage undergoing putrefaction in the absence of oxygen.

SERVICE CHARGE: The charge regularly levied on all users of the public sewer system.

SERVICE CONNECTION OR SERVICE LINE SEWER: A public sewer which has been constructed to the property line, right of way line or edge of easement from a public sewer for the sole purpose of providing a connection for the structure sewer.

SEWAGE: A combination of the water-carried waste from structures together with such ground, surface and storm waters as may be present.

SEWAGE DISPOSAL AGREEMENT: The agreement between the Agency and any local government agency or person providing for the delivery or receipt of sewage to or from the Agency sewerage system and the acceptance or delivery by the Agency of such sewage.

SEWAGE OXIDATION POND: A pond or cell, natural or artificial, into which partly treated sewage is discharged and in which natural purification processes take place under the influence of sunlight and

air.

SEWAGE TREATMENT FACILITIES: The complete system, including appurtenances, sewers, sewerage treatment works and outfall.

SEWER: A pipe or conduit that carries wastewater or drainage water. See the following terms modifying sewer: Branch, structure, combined, house interceptor, lateral, main, private. public sanitary, trunk.

SEWER USER: Every person using any part of the Agency sewerage system.

"SHALL" or "WILL ": Shall or Will manifests a mandatory directive and does not confer any discretion in carrying out the action so directed.

SLUG: Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.

STANDARD METHODS: The examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Analysis of Water, Sewage and Industrial Waste" published by the American Water Works Association, American Public Health Association and Federation of Sewage and Industrial Wastes Association.

STATE PLUMBING CODE: The Oregon State Plumbing Code, latest edition.

STORM SEWER: A sewer that carries storm water and surface water. street wash and other wash waters, or drainage, but excludes domestic wastewater and industrial wastes. Also called storm drain.

STREET: See Road.

STRUCTURE: A structure designed for the habitation of men or animals or for the shelter of property.

STRUCTURE DRAIN: That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the structure and conveys it to the structure sewer, beginning 5 feet outside the inner face of the structure wall.

STRUCTURE SEWER: The structure sewer is that part of the horizontal piping of a drainage system which extends from the end of the structure drain and which receives the discharge of the structure drain and conveys it to the public sewer, private sewer. individual sewage disposal system or other point of disposal.

SUBDIVIDED LAND: To divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

SUBDIVISION: Either an act of subdividing land or an area or a tract of land subdivided as defined in this section.

SUSPENDED SOLIDS: Solids that either float on the surface or are suspended in water, sewage or other liquids, and which are removable by laboratory filtering in accordance with procedures set forth in Standard Methods.

TREATMENT WORKS:

(a) Any devices and systems used in the storage, treatment, recycling and reclamation of municipal

sewage or industrial wastes, of a liquid nature, necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power and other equipment, and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the Jarid that will be an integral part of residues resulting from such treatment.

(b) In addition to the definition contained in paragraph (a) "treatment works" means any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste, including storm water runoff, or industrial waste, including waste in combined storm water and sanitary sewer systems.

TRUNK: A major sanitary sewer into which more than two laterals or mains discharge and which transports the flow collected from laterals and mains to an interceptor, pumping station or treatment plant.

UNPOLLUTED WATER OR LIQUID: Any water or liquid containing none of the following: Free or emulsified grease or oil; acids or alkalies; substances that may impart taste-and-odor or color characteristics; toxic or poisonous substances in suspension, colloidal state, or solution; odorous or otherwise obnoxious gases. It shall meet the current state standards for water used for recreation.

Analytical determination shall be made in accordance with procedures set forth in Standard Methods.

UPC OR UNIFORM PLUMBING CODE: The latest edition as added to, changed or interpreted by the Oregon State Department of Commerce through Oregon Supplements, this Ordinance, or action of the Agency.

UNSANITARY: Lacking in sanitation; not planned to promote or safeguard health. WARNING: A notice or caution.

WARNING: A notice or caution.

WATERCOURSE: A channel in which a flow of water occurs, either continuously or intermittently.

2-02 DEFINITIONS OF ADDITIONAL TERMS

Words, terms or expressions peculiar to sewerage not herein defined shall have the meanings given in "Glossary", "Water and Wastewater Control Engineering", latest edition, prepared by a joint committee representing American Public Health Association, American Society of Civil Engineers, American Water Works Association and the Water Pollution Control Federation

SECTION 3 - PROHIBITED DISCHARGES

3-01 SANITARY SEWERS

It shall be unlawful for any person to discharge any storm water, surface drainage, subsurface drainage, groundwater, roof water, cooling water, swimming pool drainage or other unpolluted water into the Agency's sewer system or a sewer connected to the Agency sewerage system.

3-02 PROHIBITIONS AND LIMITATIONS

Except as herein provided, it shall be unlawful for any person to discharge or cause to be discharged any of the following described waters or wastes to the Agency's sewers system:

3-02.01 Gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

3-02.02 Water or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, as outlined in the Oregon Administrative Rules, Chapter 340, Division 41, Department of Environmental Quality, January 1996, either singly or by interaction with other wastes to injure or interfere with any sewage treatment process, constitute a hazard to humans, animals, fish or shell fish life, or create any hazard in the receiving waters of the sewage treatment plant;

3-02.03 Waters or wastes having a pH of lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel;

3-02.04 Solid or viscous substances in quantities or size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works, including, but not limited to: ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshing, entrails, grease and paper dishes, cups or milk containers.

3-02.05 Materials from cesspools and septic tanks, other than effluent, except as set forth in Section 6. 3-02.06 Any liquid or vapor having a temperature higher than 150 degrees F (65 degrees C);

3-02.07 Water or waste containing fats, wax, grease or oil, whether emulsified or not, in excess of one hundred (100) mg/L or containing substances which may solidify or affect the viscosity of the flow;

3-02.08 Garbage that has not been properly shredded;

3-02.09 Waters or wastes containing strong acid, iron, pickling wastes, or concentrated plating solutions, whether neutralized or not;

3-02.10 No person shall discharge to the public sewer system wastewater containing in excess;

0.5 mg/l arsenic	0.5 mg/l cyanide	1.5 mg/lead	0.5 mg/l total chromium
0.5 mg/l cadmium	0.05 mg/l mercury	1.5 mg/l nickel	1.5 mg/l zinc
1.5 mg/l copper	0.5 mg/l silver		

3-02.11 Waters or wastes containing phenols or other malodorous gas or substance capable of creating a public nuisance or causing interference with the operation of the treatment process or collection system thus reducing the ability of the treatment system to meet State and Federal

requirements;

3-02.12 Any radioactive wastes;

3-02.13 The admission into the public sewers of any waters or wastes:

3-02.13.1 Having unusual concentrations of inert suspended solids (including, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (including, but not limited to sodium chloride and sodium sulfate);

3-02.13.2 Having excessive discoloration (including, but not limited to, dye wastes and vegetable tanning solutions);

3-02.13.3 Having a unusual volume of flow or concentration of wastes constituting "slugs" that may reduce the treatment plant efficiency and/or cause high chlorine requirements;

3-02.13.4 Having waters or wastes containing a total of 300 parts per million suspended solids or BOD unless admitted to the system under the provisions of Section 3-03;

3-02.13.5 Having waters or wastes containing substances which are not amenable to treatment or reduction by the treatment processes employed, or are amenable to treatment only to such degree that the treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

3-02.14 Protection From Damage;

3-02.14.01 It shall be unlawful for any person to discharge directly or indirectly, into a public sewer any material or substance which is prohibited by the Agency in this Sections, or to discharge any material whatever into a manhole through its top.

3-02.14.02 It shall be unlawful for any person to enter any Agency sewer, manhole, pumping station, treatment plant or appurtenant facility without the consent of the Agency.

3-02.14.03 It shall be unlawful for any person other than an authorized employee or agent of the Agency to operate or change the operation of any Agency sewer, pumping station, treatment plant, outfall structure or appurtenant facility.

3-02.15 Connection To Agency System

3-02.15.01 It shall be unlawful for any person to make any connection to the Agency sewerage system without prior approval of the Agency.

3-02.15.02 If a person fails to obtain authorization from the Agency to connect to the sewer, or adds facilities or loading to the sewer, he shall be obligated to pay the monthly sewer rate from the time

of the connection to, or added loading to, the Agency system without authorization, as determined by the Manager.

3-02.15.03 Any billing error by the Agency, where the Manager determines there should be reimbursement, may be given a credit for overpayment only back to the beginning of the last or most recent billing cycle.

3-03 SPECIAL AGREEMENTS

No provision of this Article 3 shall be construed as prohibiting any special agreement or arrangement between the Agency and any person, whereby an industrial waste of unusual strength or character may be admitted to the sewage disposal works, either before or after pretreatment, provided that there is no impairment of the functioning of the treatment works or process by reason of the

admission of such wastes, and no extra costs-are incurred by the Agency without reimbursement by the discharger.

If any waters or wastes are discharged, or are proposed to be discharged, to the Agency sewers, containing the substances or possessing the characteristics listed in Section 3-02, and which may have a damaging effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Agency may:

3-03.01 Reject the wastes;

3-03.02 Require pretreatment to reduce objectionable characteristics of constituents to within the maximum limits provided for within this ordinance before any waste is discharged to the public sewers;-

3-03.03 Require control over the quantities and rates of discharge, by the construction of equalization basins or by other appropriate methods;

3-03.04 Require payment to cover the added costs of handling and treating the wastes not covered by existing sewer charges. If the Manager permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Agency, and subject to the requirements of all applicable codes and laws.

3-04 GREASE TRAPS AND OTHER PRETREATMENT

3-04.01 Grease, oil and sand traps shall be provided, operated and maintained when, in the judgement of the Manager, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such traps shall not be required for private living quarters or dwellings. All traps shall be of a type and capacity approved by the Manager, and appropriate state agency, and shall be so located as to be readily and easily accessible for inspection by the Agency, and for cleaning by the owners. All grease, sand and oil traps shall conform to the Uniform Plumbing Code, Chapter 10, Par 1014.0 through 1015.0.

3-04.01.01 All grease traps will be periodically inspected by the Agency to insure that they are being maintained and functioning.

3-04.01.02 Any and all fines, fees or costs associated with grease traps, etc. shall be considered as user fees for purposes of collection.

3-04.02 All industrial and commercial wastes contributors will comply with all applicable pretreatment provisions as required by state and federal laws and regulations.

3-05 OPERATION

Where pretreatment or flow-equalizing facilities are provided, as required by state and federal laws and regulations, they shall be maintained continuously in satisfactory and effective operation by the owner at his their expense.

3-06 WASTE SAMPLING AND MONITORING

Wastes discharged into the public sewers shall be subject to periodic inspection and determination of character and concentration.

When automatic flow measurement and sanlpling facilities are not available, the sanlples shall be collected by the Agency in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment. Access to the sanlpling locations shall be granted to the or his duly authorized Agency representatives at all times. All costs associated with the testing of waste discharges shall be the responsibility of the discharger.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in these Regulations shall be determined in accordance with the latest edition of

Standard Methods and shall be determined or taken at a control manhole. In the event that no special manhole has been required, the control manhole shall be the nearest downstream manhole in the public sewer to the point at which the structure sewer is connected. Sampling shall be carried out by the Agency by customarily accepted methods to show the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property.

SECTION 4 - INDUSTRIAL WASTES

4-01 CONTROL OF INDUSTRIAL WASTES

All industrial and commercial wastes contributors will comply with applicable provisions of state and federal laws and regulations.

SECTION 5 - DISPOSAL OF MATERIALS FROM SEPTIC TANKS AND CHEMICAL TOILETS

5-01 DISCHARGE INTO AGENCY SYSTEM PROHIBITED

It shall be unlawful to discharge materials from cesspools, septic tanks, chemical toilets and privies into the Agency sewer system or in systems connected to the Agency, except as specified herein.

5-02 PERMIT REQUIRED

It shall be unlawful for any person engaged in the collection and disposal of materials from cesspools, septic tanks, chemical toilets, portable toilets and privies to discharge into an Agency sewer, sewerage facility or into any connecting facility any of the materials so collected without having first obtained from the Agency a written permit to do so. This permit shall be issued only to the holder of a proper registration and inspection certificate issued by the Tillamook County Health Department to carry on or engage in the business of cleaning septic tanks, cesspools, grease traps and seepage pits.

5-03 FEE FOR PERMIT

There shall be paid to the Agency for each such permit an annual fee in an amount determined by the Board. Annual fees shall be payable in advance and permit holders shall renew their permits on or before the annual expiration date thereof.

5-04 FEE FOR DUMPING

There shall be paid to the Agency for each discharge of materials collected from cesspools, septic tanks, chemical toilets and privies, a dumping fee as established by the Board.

5-05 DESIGNATED POINT OF DISPOSAL

Wastes discharged in the Agency sewerage system pursuant to this section shall be discharged only at such points as are designated by the Manager and in a clean, inoffensive manner. Equipment and methods used by the permittee to discharge shall be subject to inspection by and approval of the Manager as a condition of granting the permit.

5-06 DAMAGES

A permittee hereunder shall be liable for the costs of any damages caused by his operations. Failure to pay such costs upon demand shall be cause for revocation of his permit.

5-07 REVOCATION OF PERMIT

A permit may be revoked or suspended by the Manager for failure to discharge at designated points, for any discharge which is in violation of the provisions of these Regulations or for failure to pay fees.

5-08 BOND AND LIABILITY INSURANCE REQUIRED

All permittee's shall be required to post a continuing bond and obtain liability insurance in such amount and in such form as required by the Manager.

SECTION 6 - USE OF PUBLIC SEWERS REQUIRED

Use of the Agency sewer system will comply with all applicable provisions of state and federal laws and regulations, including, but not limited to the Department of Environmental Quality, Administrative Rule, 340-71-160, and the State "Uniform Plumbing Code"

SECTION 7 - PRIVATE SEWAGE DISPOSAL

7-01 CIRCUMSTANCES WHERE PRIVATE DISPOSAL PERMITTED

A private sewage disposal system shall comply with all State and Federal rules and regulations, including, but not limited to the Department of Environmental Quality, Administrative Rule, 340-071, and the State "Uniform Plumbing Code"

7-02 PERMIT REQUIRED

Before commencement of construction of a private sewage disposal system; the owner shall first obtain written permission from the Oregon Department of Environmental Quality, and Tillamook County.

7-03 CHEMICAL TOILETS

Chemical toilets may be used in temporary situations such as construction sites, public gatherings of short duration, parades, etc.

SECTION 8 - STRUCTURE SEWERS

8-01 GENERAL

The construction, operation and maintenance of structure sewers shall be governed by the 1997 Edition of the Uniform Plumbing Code with 2000 Oregon Amendments for commercial plumbing code applications and the 1998 International One and Two Family Dwelling Code with the 2000 Oregon amendments as authorized by ORS 447.020 (2) and adopted in its entirety by this reference and shall be enforced as part of this ordinance.

8-02 UNAUTHORIZED CONNECTIONS

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereto, and no person shall make any connection to any part of the sanitary sewer, system of the Agency without making application and securing a permit therefor

8-03 STRUCTURE SEWER PERMITS

Permits shall be required prior to any installation of a structure sewer and connection to sewer. The property owner or agent shall make application in writing on a form furnished by the Agency. The application shall be supplemented by any plans, specifications, building permits or other information the Manager may require. Permit, system development and inspection fees shall then be required prior to installation of the structure sewer and connection to the public sewer. All discharges or plans to discharge shall be subject to the review and approval of the Agency.

8-03.01 The applicant shall have 180 calendar days to complete the connection. After this time the permit shall be voided and any Agency permit and inspection fees and, the system development charge will be returned to the applicant. A new permit along with the requisite fees shall then be required prior to installation of the structure sewer and connection to the public sewer.

8-03.02 The Agency shall issue a sewer connection permit upon approval of the application and the fee paid as provided, specifying the location where the connection shall be made and the manner of connection.

8-03.03 The Agency shall be given reasonable notice to allow inspection of sewer connection before completion and while the work is still uncovered. An inspection shall be made after structure sewer line has been installed and before backfilling. At the time of inspection any abandoned septic tank or cesspool shall be inspected to confirm compliance with the pumping and filling requirement as required by state and federal laws and regulations.

8-03.04 Powers and Duties of the Agency Inspector;

1. The Agency Inspector is authorized to enforce all the provisions of this ordinance.
2. The Agency Inspector shall have the power to render written and oral interpretations of this ordinance and to adopt and enforce administrative procedures in order to clarify the application of its provisions. Such interpretations, rules, and regulations shall be in conformance with the intent and purpose of the ordinance.

8-03.05 Any structure sewer or house connection covered over before inspection has been made will be uncovered at owners's expense.

8-04 STRUCTURE SEWER COSTS

All costs and expenses associated with the installation and connection of the structure sewer to the public sewer shall be borne by the owner. (The owner shall be liable to the Agency for any damage to the Agency's system caused by the person making the connection.)

8-05 USER CHARGES

User charges shall commence as of the date of connection to the public sewer.

8-06 USE OF EXISTING SEWERS

8-06-01 Where a service is abandoned or unused because of partial or total destruction or removal of a structure, the Agency shall have no responsibility for maintenance of sewer service unless monthly user charges are paid. After one year from the time of such destruction, failure to continue such payments shall constitute an abandonment and a charge equal to that portion of the monthly sewer user fees that are dedicated to the equipment replacement and system development fund shall be paid before any new or rebuilt structure on the same property may be connected to the system. (8-06-01 shall not preclude any special agreement arrived at under "section 3-03" of this ordinance)

8-07 TESTING FITTING

A capped or plugged tee or wye fitting shall be the first fitting at the junction of the service connection and the structure sewer. This shall be used for inserting a test plug for water testing the structure sewer and as an auxiliary clean out.

8-08 STRUCTURE SEWER INSPECTION AND TESTING

The applicant for structure sewer permit shall notify the Agency when the structure sewer has been laid and connected to the service connection, but not backfilled or connected to the structure drain. After inspection and approval by the Agency the structure sewer trench may be backfilled.

Structure sewers must be constructed to meet the requirements of state and federal laws and regulations.

8-09 PRESSURE SERVICE

Pressure systems may be used where a pressurized main is the only public line available or where elevations preclude gravity service. Maintenance and operation of individual home lift stations shall be the responsibility of the property owner.

Owners of properties which have sewage lift stations maintained and operated by the Agency shall, at their own expense, continuously furnish and maintain electrical power to the lift stations. Failure to do so shall render the property owner liable for any damages caused by lack of electrical power and shall be cause for the Agency to relinquish to the property owner the entire operation and maintenance of these lift stations.

8-10 STRUCTURE SEWER MAINTENANCE

8-10.01 The owner of any property on which there are facilities connected to the Agency sewerage system is responsible for the maintenance, repair or replacement of a sewer system located on the owners property or easements owned by the owner. The Agency is responsible, for the maintenance, repair or replacement of lines within the Public Right-of-way or Agency Easement.

8-10.02 Where the Agency finds that any private sewer is leaking or not properly connected to the public sewer system, the property owner will be notified in writing by the Agency to make necessary repairs or proper connection. The notification shall include the type of repairs or proper connection to be made and the date, not more than 30 days from the date of notice by which the required project shall be completed.

It is the responsibility of the property owner to notify the Agency when repairs or proper connections have been made, and before any excavation is covered. The Agency shall make such further tests and inspections of the private sewer as the Manager deems necessary. The private sewer will be considered repaired or properly connected when it passes the test and

inspections conducted by the Agency according to the 1997 Edition of the Uniform Plumbing Code with 2000 Oregon Amendments for commercial plumbing code applications and the 1998 International One and Two Family Dwelling Code with the 2000 Oregon amendments as authorized by ORS 447.020 (2).

8-11 RIGHT OF ENTRY

When it may be necessary to inspect to enforce the provisions of this ordinance, or the Agency Inspector has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to, in violation of this ordinance or which otherwise makes the structure or premises unsafe, dangerous or hazardous, the agency inspector may enter said structure or premises at reasonable times to inspect or to perform the duties imposed by this ordinance, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises be unoccupied, the agency inspector shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the agency inspector shall have recourse to the remedies provided by ORS to secure entry.

SECTION 9 - CONSTRUCTION OF PUBLIC SEWERAGE SYSTEMS, INCLUDING SERVICE CONNECTIONS

9-01 GENERAL

The construction of new public sewers, and extensions of existing sewers within the area administered by the agency or constructed for the agency shall be governed by the "OREGON ADMINISTRATIVE RULES, DEPARTMENT OF ENVIRONMENTAL QUALITY, CHAPTER 340" and the "STANDARD SPECIFICATIONS AND DRAWINGS FOR PUBLIC WORKS CONSTRUCTION" prepared by the Oregon Chapter of the American Public Works Association (APWA), most recent edition, adopted in their entirety by this reference and shall be enforced as part of this ordinance, except as hereinafter supplemented, revised, and superseded by this Ordinance, or other action of the Agency. All specifications shall include this Ordinance by reference. Where different specifications conflict or appear inconsistent, the most stringent shall apply.

These rules and standards have been adopted for the purpose of controlling the quality of materials and workmanship used in the construction of sewers within the Agency. No deviations from these Rules and Standards shall be made without prior written approval of the Manager.

Adherence to these rules and standards are required for all sewer collection mains and lateral sewer connections, located in a public right of way or public easement or those private lines that are intended to be turned over to the Agency by a developer upon completion of construction.

Permits for the construction of sewer lines are required if they are in the public right of way or public easement. Those lines that are installed on private property are exempt from the permit requirements of the Nehalem Bay Wastewater Agency though other government regulatory agency permits may still be required. For those private systems where the intent of the developer is that they become part of the public system see section 9-02-01.

9-02 NEW SYSTEMS

Detailed construction plans and specifications for proposed public sewers to be constructed within the Agency limits or directly connected to the Agency sewerage system shall be prepared by a professional engineer registered in the State of Oregon. Plans shall be approved by the Oregon State Department of Environmental quality and be subject to review and approval by the Agency.

Three sets of plans and specifications shall be submitted to the Agency for approval. These must be approved and a construction permit issued prior to advertising for bids or beginning construction. Within twenty-one {21} calendar days following the Agency's receipt of DEQ's notice of approval of the plans and specifications, the Agency shall review them and return one set with approval or required changes indicated. Plan and specification approvals shall be valid for 12 months, after which they must be resubmitted.

If such plans and specifications are disapproved, the required changes shall be made and the plans and specifications resubmitted.

9-0201 New Systems Built On Private Property Where The Intent Is To Turn The System Over To The Agency upon Completion.

If a developer intends to turn a private sewer system over to the Agency upon completion they must follow the following steps;

1. Notify the Agency in writing of the developers intent to transfer ownership of the completed system to the Agency.

2. Set up a pre-submittal meeting to clarify issues with the Agency.
3. Develop and submit two (2) engineered plan/drawing to the Agency and one (1) to the Oregon State Department of Environmental Quality for review and approval.
4. Notify the Agency in writing 48 hours prior to the start of work.
5. Allow the Agency access to inspect the sewer/system installation.

6. All new systems shall be tested using methods outlined in the APWA A specifications.

7. Prior to acceptance by the Agency;
 - a. The system must meet all the specifications as set forth in the APWA A specifications
 - b. All DEQ requirements must be met
 - c. All fees for inspection/testing must be paid
 - d. A copy of the Engineers certificate of completion with all test results attached must be submitted to the Agency along with two (2) sets of as-built drawings and one (1) Mylar copy
 - e. All easements must be signed and recorded with Tillamook County with a recorded copy to the Agency.

The Board of Directors has the sole discretion to accept a private system as a public system.

9-03 DESIGN CRITERIA

The Oregon Administrative Rules, Department of Environmental Quality, Chapter 340 and The American Public Works Association, Oregon Chapter, Standard Specifications For Public Works Construction, most recent edition, shall be followed for design or construction of sewer works. The Agency, as ultimate system owner, reserves the right to require changes in materials, design, or construction methods such as may, in the Agency's opinion, be prudent and desirable to facilitate the maintenance and operation of facilities and to provide the lowest reasonable operating expenses.

Sewers shall be planned to require the fewest possible connection points to the Agency's system.

All contiguous lots within the boundaries of proposed subdivisions must be provided with service to the property lines by the proposed system.

9-04 DRAFTING STANDARDS

Design drawings shall conform to the following:

9-04.01 Sheet size shall be 24" X 36".

9.04.02 Show right-of-way widths and correct street names.

9-04.03 Tie all controls into NBWA as built manhole invert if possible. If tie in is not possible use (National Geodetic Vertical Datum) NGVD.

9.04.04 All plans shall have a uniform graphic scale (1"=20', 1"=40', etc.), and north arrow. Each submittal must contain a legend for all uncommon symbols used.

9-04.05 Centerline of roadways, utilities and other improvements shall be accurately shown with respect to established physical monuments and bench marks. Bench marks and monuments shall be fully described and the location shall be shown on the plans whenever possible. Show the length of water, sanitary sewer or storm sewers and other utilities within 20 feet of the sewer improvements.

9-04.06 Stationing for utilities shall be along the sewer alignment and shall appear on both the plan and the profile portion of the drawing.

- 9-04.07 Show size, type, and slope of all pipe and appurtenances.
- 9-04.08 Tie appurtenances of any utility to the stationing of the sewer.
- 9-04.09 Show length of side laterals, if short of or extended beyond property line; Show invert elevations or depth at end of laterals. Show depth of the property line end of sanitary sewer service connections and relate this depth to the centerline finish grade of street.
- 9-04.10 Show rim and flow line elevations in and out on manholes.
- 9-04.11 Sewer plans shall show all pertinent information related to the construction of sewers, including plan profile (existing grade and flow rates) and construction details.
- 9-04.12 All calculations shall be given for all utility crossings.
- 9-04.13 Prior to final project acceptance all original design drawings must be revised to "as-built" condition and submitted to the Agency for record. Two sets of "as-built" prints and one set of "as-built" Mylar reproducible drawings shall be provided to the Agency.

The requirements listed herein are not to be considered all-inclusive. Changes and additions may be made from time to time by the Manager as necessary.

9-05 CONTROL OF WORK

The Agency, without assuming the responsibilities and obligations of the developer, the developer's engineer, or the contractor, shall enforce Agency regulations, Oregon Administrative Rules, Department of Environmental Quality, Chapter 340 and construction standards as described in APWA Section 105. Enforcement of Agency Regulation, Rules and construction standards shall be for all Agency contracted sewer installations or private sewer systems where the intent of the developer is to turn the completed system over to the Agency upon completion.

9-06 PERMIT REQUIRED

A sewer construction Pennit is required for any sewer installation or sewer connection work that is done within the public right of way, public easement or on Agency property. The permit shall be obtained prior to advertising for bids or doing any work. The pennit conditions will serve to regulate the manner of performance and insure that public interests are protected. The pennit shall set forth working hours; bonding requirements; relation of the contractor, Agency, and other parties; time allowed for project completion; insurance requirements; warranty; and other pertinent material.

9-07 WARRANTY

All work shall be warranted 12 months from the date of acceptance by the Agency. Defects repaired during the warranty period shall be further warranted for one year from the date of the repair. This warranty shall include replacement and repair of any defects discovered within that time, including, but not limited to, excessive infiltration, proper grading of manholes, damage caused by defects in the sewer system, including street excavations and repairs.

9-08 EASEMENTS AND RIGHTS OF WAY

Public sewer mains and sewer lift Stations shall be placed within public right-of-ways whenever possible.

Easements or permits to use the public rights of way shall be obtained by the owner before construction begins. All such easements and permits must be in the name of the Agency. All costs associated with these pennits or easements shall be the obligation of the Owner.

Easements for public sewers shall be a minimum of 10 feet, and shall at a minimum provide: (1) that no structures are to be built on the easement; (2) that the Agency shall have a pennant right to

construct, reconstruct, operate, maintain, and extend the sewer and all necessary related facilities and access thereto.

Sewer easement dedications on plats and subdivisions shall be deemed to contain the above provisions, even though the dedication may state only "sewer easement," "utilities easement," "common area." or other such dedications.

9-09 INSPECTION

The Agency may provide a full-time inspector on all new sanitary sewers and treatment works construction to insure compliance with the provisions of this ordinance and the construction specifications. Day-to-day inspection will not, however, cause the Agency to be responsible for those duties and responsibilities which belong to the construction contractor and Owner and which include, but are not limited to, full responsibility for the techniques and sequences of construction, and the safety precautions incidental thereto, and for performing the construction work in accordance with these Regulations

9-09.01 Powers and Duties of the Agency Inspector;

- a. The Agency Inspector is authorized to enforce all the provisions of this ordinance.
- b. The Agency Inspector shall have the power to render written and oral interpretations of this ordinance and to adopt and enforce administrative procedures in order to clarify the application of its provisions. Such interpretations, rules, and regulations shall be in conformance with the intent and purpose of the ordinance.

9-09.02 The Agency will notify the persons responsible for the construction when the construction work does not comply with this ordinance. Upon receipt of notice from the Agency that any construction work is not being performed in compliance with this ordinance, the responsible person shall immediately take such action as may be necessary to insure compliance.

Each person shall notify the Agency at least ten (10), but not more than twenty (20) days before the start of any sewer construction, and additionally, immediately prior to beginning work. Should work be suspended for any reason, the contractor shall give the Agency reasonable notice prior to resuming operations.

The Agency shall be reimbursed for the costs of providing inspection services by the person installing new sanitary sewers, that is, the person or persons constructing or contracting for construction of a sewage system, whether or not the owner of the property. Charges for inspection services shall be as determined by the Board.

The construction of the sewers shall be under the supervision of an engineer currently registered in the State of Oregon, or his representative. At the completion of the construction, the engineer shall certify in writing to the Agency that such construction complies with these Regulations and any Agency approved plans and specifications therefor.

9-10 INSURANCE

Any contractor performing work on a public right of way or Agency easement shall maintain public liability insurance in amounts which shall be established by Resolution of The Agency Board of Directors. The Agency shall be named as an additional insured on the policy.

9-11 COMBINED SEWERS NOT PERMITTED

Public sewers, private sewers and extensions of existing sewers, shall be designed as separate sanitary sewers or storm sewers. Construction of combined sanitary and storm sewers shall not be permitted.

9-11.01 A maximum of 2 structure sewers may be installed on a single service connection provided a six inch sewer service is supplied to the property line.

9-11-02 Private sewer laterals shall not be allowed with-in any public right-of-way or Agency

Easement.

9-12 TELEVISION INSPECTION

Upon the completion of all sewer construction, testing and repairs, the contractor shall conduct a color TV inspection of all installed lines 6 inches to 72 inches before acceptance. Prior to warranty acceptance the sewer line shall be re-televised during a period of high ground water conditions as determined by the manager.

Any costs incurred performing required TV inspections shall be the responsibility of the contractor. All costs incurred in correcting any deficiencies found during television inspection, including the cost of any additional television inspection that may be required by the Agency to verify the correction of the deficiencies, shall be the responsibility of the contractor.

TV inspections shall be conducted by a technical service which is equipped to make audio-visual tape recordings of the televised inspections. Technical service providers must be approved by the Agency. All recordings will become the property of the Agency.

9-13 ASSUMPTION OF RESPONSIBILITY FOR SEWER SERVICE

The Agency shall make every attempt to insure that all lots within a subdivision have been provided with adequate sewer service by the developer before accepting the subdivision into the Agency's system but in the event any property is not so served, the Agency shall have no liability or responsibility for providing such service.

SECTION 10- PENALTIES

10-01 DENIAL OF CONNECTION

No sewer shall be connected to the Agency system unless in compliance with this Ordinance.

10-02 ISSUANCE OF STOP WORK ORDER, CORRECTION OF DEFICIENCIES

Whenever any work is being done contrary to the provisions of this ordinance (or other pertinent laws or ordinances implemented through its enforcement), the agency inspector may order the work stopped by notice in writing served on any person(s) engaged in the doing or causing of such work to be done. Such person(s) shall stop such work until specifically authorized by the agency inspector to proceed thereafter.

10-03 ORDER TO DISCONTINUE PROHIBITED DISCHARGES

The Agency may order the owner of any property from which discharges prohibited by Section 3 are entering any sewer, to correct such conditions.

10-04 DELINQUENT SEWER SERVICE CHARGES

Sewer service charges shall be a debt due to the Agency. If not paid within thirty (30) days after billing, charges shall be deemed delinquent and may be recovered as provided by law. Interest charges, as permitted by law, shall be assessed and collected on all delinquent accounts and the interest charge shall be established by resolution.

10-05 LIENS

Primary responsibility for payment of charges shall rest with the owner of record of the property. A lien may be filed against the property if connection fees, user fees, system development charges, or other charges are not paid within ninety (90) days of billing. An additional service charge shall be added to each lien to cover the costs of processing and recording, together with an additional charge to cover the actual fees for recording the lien and satisfaction. Delinquent user fee accounts may be certified to the County assessor for collection per ORS 454.225.

10-06 DISCONTINUANCE OF SERVICE

In the event of failure to pay sewer service charges after they become delinquent; failure to cease discharging to the sewer substances prohibited by the Agency; or failure to have flow or sampling devices in proper operating condition for more than one (1) week; the Agency shall have the right to remove or close sewer connections, and enter upon the property to do so. Agency may request water purveyor to discontinue water service in such instances. Notice of disconnect will be placed on the door of the offending property one week prior to sewer connection removal.

The expense of such removal or closing, as well as the expense of restoring service, shall be a debt due the Agency and may be recovered in the same manner as delinquent service charges. An appeal to the Agency Board may be made by following the procedure outlined in Section 11-01 of this ordinance.

10-07 RESTORATION OF SERVICE

Sewer service shall not be restored until all charges, including the expense of removal, closing and restoration, have been paid, and the cause for discontinuance of service corrected.

10-08 INCREASED SEWER SERVICE CHARGES

10-08.01 Any notice sent in accordance with Section 10-02 shall set a ten (10) day limit by which the required connection, repair or replacement must be made. An extension of this time may be granted by the Manager for good cause. An appeal from the Manager's decision may be made to the Board of Directors under the appeal provisions of Section 11 of this Ordinance.

10-08.02 Failure of any property owner to connect, repair or replace by the date specified, or any extension thereof, shall be punishable by an increase in the monthly sewer service charges beginning on the first day of the month following the deadline. The increase shall be in an amount equal to the regular monthly sewer service charge, so that the amount billed will be twice the standard charge for the type of service provided.

10-08.03 The Board Of Directors may at their option order that the sewer service to a property be disconnected until repairs or corrections to an existing sewer system are made. All costs associated with a disconnection shall be the responsibility of the property owner.

10-09 ADDITIONAL MONETARY PENALTIES

10-09.01 Any person who violates any of the provisions herein shall, upon conviction thereof, be punished by a fine not to exceed \$1000.00 per violation.

10-11 ADDITIONAL REMEDIES

In addition to other remedies provided in this Ordinance, the Agency may, in its sole discretion, seek any of the following remedies: Injunctions, restraining orders, mandamus, abatement, receivership, quo warranto, writ of review, and writ of prohibition.

SECTION 11 - APPEAL TO AUTHORITY BOARD

11-01 Appeal

Any person may appeal any order or decision by the Manager to the Board by filing written notice of appeal with the Manager within twenty (20) days following the giving of such decision or order. Notice of appeal shall set forth in reasonable detail the order or decision appealed from together with appellant's reason for seeking reversal or modification thereof. Within twenty (20) days following receipt of such notice, the Board shall set a time for hearing upon such appeal which shall not be less than ten (10) nor more than forty (40) days following such receipt. The ruling of the Board upon such appeal shall be final, subject to judicial review as provided by law.

SECTION 12- INTERPRETATIONS: PURPOSE AND CONFLICT

12-01 Interpretations

After passage of this Ordinance, a properly certified copy shall be filed with the Clerk of Tillamook County, and it shall be deemed notice to all owners of real property of their liability for sewerage service supplied to any occupant or user of such service on their property.

SECTION 13 -SEVERABILITY

13-01 Severability

If any section, paragraph, subdivision, clause, sentence, or provisions of this Ordinance shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of the Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered, it being the intent of the governing body to enact the remainder of this Ordinance notwithstanding the parts to be declared unconstitutional and invalid.

SECTION 14 - ORDINANCE IN FORCE

14-01 Adopted by the Board of Directors of the NEHALEM BAY WASTEWATER AGENCY at its regular meeting held on the

June 19, 2002

/s/ Bob DuMoulin

Bob DuMoulin

Chairman, Board of Directors

ATTEST:

/s/ James C. Goble

James C. Goble

Manager

Filed with the Clerk of Tillamook County on July 5, 2002.